

FORM SUMMARY

Name of Form:	Earnings Garnishment - Exemption Notice
Form Number:	CV-423
Statutory Reference:	Wis. Stats. §§812.34(2)(b) & (c), 812.37 and 812.44(4)
Benchbook Reference:	CV 38
Purpose of Form:	To give information to the debtor about the amount of the creditor's claims, the existence of exemptions, and notice about how to respond to the creditor's claim by delivering or mailing a copy of an answer (Earnings Garnishment--Debtor's Answer, CV-424) to the garnishee.
Who Completes It:	Creditor
Distribution of Form:	The original to the debtor
Accompanying Forms:	<p>The creditor must serve this document on the debtor along with the following:</p> <ul style="list-style-type: none">• Earnings Garnishment (CV-422)• Earnings Garnishment - Debtor's Answer (CV-424)• Garnishment Exemption Worksheet (CV-426)• Poverty Guidelines for Earnings (CV-427)
New Form/Modification:	Modification, last update 05/00.
Modifications	Add new language regarding limitation on amount of income subject to garnishment.
Comments:	<p>2003 Act 138 deleted the language regarding a complete exemption where a garnishment of 20% of the debtor's disposable income would result in the debtor's household income falling below the poverty line. In its place, the Act limits the amount of disposable income available for garnishment to that amount of household income in excess of the poverty line before the garnishment is in effect.</p> <p>The forms that were originally created tracked the statutes on garnishment. These forms did not take into consideration that there are three types of debts for which no exemption is allowed:</p> <ol style="list-style-type: none">1. A debt amortization under section 128.21 or a bankruptcy order under 11 USC 1301 to 1330;2. For the support of any person; or,3. Unpaid taxes.

This omission has created some confusion among debtors who believe they have an exemption when they do not. RMC modified the form to indicate that the exemptions do not apply if the debt arises out of the one of the three circumstances.

About this form:

This form is the product of the Wisconsin Records Management Committee, a committee of the Director of State Court's Office and a mandate of the Wisconsin Judicial Conference

If you have additional information that does not change the meaning of the form, attach it on a separate page. The form itself shall not be altered